

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ROBERTA BALDERAS MONTALVO,)

Plaintiff,)

v.)

Case No. CIV-13-1329-D

CAROLYN W. COLVIN,)

Acting Commissioner of the Social)

Security Administration,)

Defendant.)

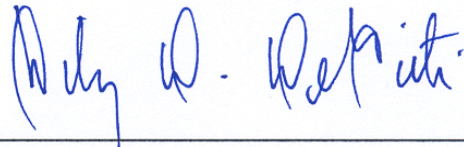
ORDER

Plaintiff brought this action pursuant to 42 U.S.C. §405(g) for review of the Defendant Commissioner of the Social Security Administration's final decision denying Plaintiff's application for disability insurance benefits and supplemental security income under the Social Security Act. The matter was referred to United States Magistrate Judge Shon T. Erwin for initial proceedings in accordance with 28 U.S.C. §636 (b)(1)(B). The parties fully briefed their respective positions and, on January 9, 2015, the Magistrate Judge filed his Report and Recommendation [Doc. No. 20] in which he recommended that the Court reverse the decision of the Commissioner and remand the matter for further proceedings.

In the Report and Recommendation, the Magistrate Judge advised the parties of the right to file objections to the same and directed the parties to file any objections no later than January 23, 2015. The Magistrate Judge further admonished the parties that failure to timely object would constitute a waiver of the right to appeal. The deadline for filing objections has expired and to date, neither party has filed objections or sought an extension of time in which to do so. Accordingly, the Report and Recommendation [Doc. No.20] is ADOPTED as though fully set forth herein.

IT IS THEREFORE ORDERED that the decision of the Commissioner denying Plaintiff's application for disability insurance benefits and supplemental security income is REVERSED. This matter is REMANDED to the Commissioner for further administrative proceedings, as more fully set forth in the Report and Recommendation.

IT IS SO ORDERED this 27th day of January, 2015.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE